

REMARKS

In the Office Action dated January 2, 2004, the Examiner objected to claim 4; rejected claims 1-25 and 31-61 under 35 U.S.C. § 101; and rejected claims 1-86 under 35 U.S.C. § 103(a) as being unpatentable over Anderson et al. (U.S. Patent No. 6,058,380) in view of Guzelsu (U.S. Patent No. 6,381,587).

By this amendment, Applicants have amended the specification and claims 1, 3-7, 10, 15, 16, 20, 21, 31, 32, 37, 39-43, 46, 51, 52, 56, 57, and 59. In response to the Examiner's request, Applicants have amended claim 4 to correct the typographical error found on the last line of the claim. Claims 1-86 are pending.

Based on the following arguments, Applicants respectfully traverse the Examiner's rejections under 35 U.S.C. § 101 and 35 U.S.C. § 103(a).

I. The Rejections Under 35 U.S.C. § 101

The Examiner asserts that claims 1-25 and 31-61 are directed to non-statutory subject matter because "the claimed methods could be performed manually without the use of a computer or other technological instrument. [The] Examiner suggests reciting the use of a computer in the body of the claim to meet the technological arts requirement." See *Office Action*, page 3, ¶ 1.

Although Applicants disagree with the Examiner's position, Applicants have amended claims 1, 3-7, 10, 15, 16, 20, 21, 31, 32, 37, 39-43, 46, 51, 52, 56, 57, and 59 to indicate that the processes recited in these claims are performed by one or more computer systems, computing systems, and/or a server.

Notwithstanding the above-noted amendments, Applicants traverse the Examiner's assertion that the use of a computer is required in the body of these claims to meet the technological arts requirement set forth by the Examiner. In particular, reciting in the preamble that a claimed method is performed by a computer system or a similar system is sufficient to meet the asserted requirement. For example, amended claim 16 recites:

[a] method for facilitating business transactions between a providing entity and a purchasing entity, *the method performed by a first computing system associated with the providing entity comprising*: ... [emphasis added].

The fact that the method is performed by a first computing system clearly sets forth the scope of the claim and removes any ambiguities regarding that the method is exclusively performed manually. The same argument applies to amended claims 20 and 21.

Because claims 1-25 and 31-61 are directed the technological arts, Applicants request that the rejection of these claims under 35 U.S.C. § 101 be withdrawn and the claims allowed.

II. The Rejection Under 35 U.S.C. § 103(a)

Applicants respectfully traverse the rejection of claims 1-86 under 35 U.S.C. § 103(b) as unpatentable over Anderson et al. in view of Guzelsu because the Examiner has failed to establish a *prima facie* case of obviousness.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, the prior art reference (or references when combined) must teach or suggest all the claim elements. Furthermore, "[a]ll words in a claim must be considered in judging

the patentability of that claim against the prior art." See M.P.E.P. § 2143.01 (8th Ed., Aug. 2001), quoting *In re Wilson*, 424 F.2d 1382, 1385, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970). Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or to combine reference teachings. Finally, there must be a reasonable expectation of success. See M.P.E.P. § 2143 (8th Ed. 2001), pp. 2100-122 to 127.

a. The references do not teach the recitations of claims 1-86

The Examiner asserts that Anderson et al. teaches all of the recitations of claim 1, except for an invoice having a plurality of entries. To compensate for these shortcomings, the Examiner relies on Guzelsu. See *Office Action*, page 4, ¶ 1. Applicants disagree.

Anderson et al. discloses a system for processing invoices. The system uses an invoice reviewer that displays invoices to a customer for subsequent review and approval. Anderson et al. merely discloses a process for entire invoice processing. The system of Anderson et al., however, does not teach performing a process that, for each entry of an invoice, determines an individual with authority to approve the entry, making the entry available to the individual, and receiving an indication from the individual reflecting a decision whether to approve the entry, as recited in claim 1. The reference does not mention, or has the capabilities for, processing entries in an invoice in a manner consistent with the recitations of claim 1.

The Examiner asserts that Anderson et al. discloses “an indication [that] is received from the individual reflecting a decision on whether to approve the entry.” The Examiner is wrong. As mentioned above, Anderson et al. merely discloses full invoice processing and does not teach or suggest entry approval processing, much less a business process that performs the steps for each entry of an invoice, as recited in claim 1.

Guzelsu does not make up for the deficiencies of Anderson et al. Guzelsu discloses a system that performs reconciliation processes for invoice items. These processes compare approved items with vendor items to automatically audit vendor invoices. The reference, however, fails to teach or suggest a process for facilitating electronic business transactions, as recited in claim 1. For example, Guzelsu does not teach or suggest at least determining, for each entry in an invoice, an individual with authority to approve the entry based on the item type, making the entry available to that individual, and receiving an indication from the individual reflecting a decision to approve the entry. Indeed, Guzelsu provides an automated system for processing approved invoice items, thus restricting user intervention in an approval process for these items. And, the Examiner merely uses Guzelsu to show invoices having multiple entries but makes no attempt to show where the reference teaches the entry-based recitations of claim 1.

Moreover, the Examiner does not address all of the recitations of claim 1. The claim recites, among other things,

wherein entries that the individual does not have authority to approve are not made available to the individual. *See claim 1, lines 12-13.*

The Examiner makes no attempt to address this recitation. Accordingly, the rejection of claim 1 is improper and should be withdrawn. Further, Anderson et al., alone or in combination with Guzelsu, fails to teach or suggest the above noted recitation.

Because these references fail to teach or suggest all of the recitations of claim 1, Applicants request that the rejection of this claim be withdrawn and the claim allowed.

Claims 2-4 depend from claim 1. As explained, claim 1 is distinguishable from Anderson et al. and Guzelsu. Accordingly, claims 2-4 are also distinguishable from these references for at least the same reasons set forth for claim 1. Further, Anderson et al. and Guzelsu do not teach or suggest the recitations of claims 2-4. For example, the Examiner asserts that Table 4 and associated descriptions by Anderson et al. teach the recitations of claim 2. See *Office Action*, page 4, ¶ 2. Applicants disagree. Anderson et al. does not teach associated item types that identify a respective purchasing entity and determining an association between an individual and a respective purchasing entity identified by the entry type, as recited in claim 2. Instead, Anderson et al. discloses a an invoice analyzer that produces a plurality of reports provided to a recipient from an originator. Table 4 merely describes what report is generated, the originator of the report, and the recipient of the report. Nowhere does Anderson et al. discuss entry types or determining an association and an individual with authority, as recited in claim 2.

Additionally, the Examiner admits that Anderson et al. does not teach determining a second individual with authority to approve the decision, making the entry available to the second individual, and receiving a second decision from the individual, as recited in claim 3. To compensate for this shortcoming, the Examiner appears to

take Official Notice that such processes are “common in the art,” and “[i]t would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the steps required for secondary approval for security purposes.” See *Office Action*, page 4, ¶ 3.

Applicants traverse the Examiner’s taking of Official Notice that the above-noted recitations of claim 3 are well known. An Official Notice rejection is improper unless the facts asserted are well-known or common knowledge in the art, and capable of instant and unquestionable demonstration as being well-known. See M.P.E.P. § 2144.03, the procedures set forth in the Memorandum by Stephen G. Kunin, Deputy Commissioner for Patent Examination Policy dated February 21, 2002, and the precedents provided in *Dickinson v. Zurko*, 527 U.S. 150, 50 U.S.P.Q.2d 1930 (1999) and *In re Ahlert*, 424 F.2d, 1088, 1091, 165 U.S.P.Q. 418, 420 (CCPA 1970). Further, any facts asserted as well-known should serve only to “fill in the gaps” in an insubstantial manner. It is never appropriate to rely solely on “common knowledge” without evidentiary support in the record as the principal evidence upon which a rejection is based. Applicants submit that the recitations recited in claim 3 are not unquestionably well-known, and the Examiner has failed to demonstrate the contrary. Accordingly, Applicants traverse the Official Notice and request that the Examiner either cite a competent prior art reference in substantiation of these conclusions, or else withdraw the rejection.

Further, Applicants remind the Examiner of the following provision set forth in M.P.E.P. § 2144.03:

[w]hen a rejection is based on facts within the personal knowledge of the examiner, the data should be stated as specifically as possible, and the facts must be supported, when called for by the applicant, by an affidavit from the

examiner. Such an affidavit is subject to contradiction or explanation by the affidavits of the applicant and other persons.

To the extent the Examiner is relying on personal knowledge in taking Official Notice that the features of claim 3 are well known, Applicants request that the Examiner provide an affidavit evidencing such knowledge as factually based and legally competent to support the Examiner's conclusions.

For these additional reasons, Applicants request that the rejection of claims 2-4 under 35 U.S.C. § 103(a) be withdrawn and the claims allowed.

Applicants also traverse the Examiner's assertion that Anderson et al. and Guzelsu teach and suggest the recitations of claims 5 and 6. In addition to the reasons set forth in connection with claim 1, these references do not teach or suggest determining a value of the invoice or each entry of the invoice, and automatically approving all, or one or more, of the entries included in the invoice based on the value, as recited in claims 5 and 6, respectively. In fact, the Examiner failed to address all of the recitations of these claims in the Office Action, such as the automatic approval process. Additionally, the Examiner does not address "making one or more entries available to a corresponding approver" and "wherein each entry that is made available excludes entries that the corresponding authorized approver does not have the authority to approve," as recited in claim 6. As explained, a rejection is improper unless the facts asserted are well-known or common knowledge in the art, and capable of instant and unquestionable demonstration as being well-known or is specifically taught or suggested in the cited prior art.

Accordingly, because the Examiner has not demonstrated that the cited references teach or suggest the recitations of claims 5 and 6, nor provides any other

evidence to support the position that these recitations are obvious other than personal conclusions, Applicants request that the rejection of these claims under 35 U.S.C. § 103(a) be withdrawn and the claims allowed.

Claims 7-9 depend from claim 6. As explained, claim 6 is distinguishable from Anderson et al. and Guzelsu. Accordingly, claims 7-9 are also distinguishable from these references for at least the same reasons set forth for claim 6 and Applicants request that the rejection of these claims under 35 U.S.C. § 103(a) be withdrawn and the claims allowed.

Also, Anderson et al. and Guzelsu fail to teach or suggest the recitations of claim 10. In fact, the Examiner again has failed to address all of the recitations of this claim. Claim 10 recites, among other things,

determining, for each item included in the invoice, a
corresponding approver with authority to approve the item;
and

facilitating a review process for each item based on the
determination, wherein the review process is defined by the
purchasing entity.

As explained, the references do not teach or suggest determining for each item in an invoice an approver to approve the item. Further, the references fail to teach or suggest, and the Examiner never addresses, the recitation of “facilitating a review process for each item based on the determination, wherein the review process is defined by the purchasing entity,” as recited in claim 10. Accordingly, Applicants request that the rejection of claim 10 under 35 U.S.C. § 103(a) be withdrawn and the claim allowed.

Claims 11-14 depend from claim 10. As explained, claim 10 is distinguishable from Anderson et al. and Guzelsu. Accordingly, claims 11-14 are also distinguishable

from these references for at least the same reasons set forth for claim 10 and Applicants request that the rejection of these claims under 35 U.S.C. § 103(a) be withdrawn and the claims allowed.

Also, Anderson et al. and Guzelsu do not teach or suggest, and the Examiner does not address, all of the recitations of claim 15. In particular, the references do not teach or suggest directing individual items to respective approvers such that each respective approver receives only items that the respective approver is authorized to review. The Examiner never mentions this recitation in the Office Action, nor does the cited prior art disclose or suggest the recitation. Instead, Anderson et al. and Guzelsu are limited to providing either full invoices or line item reconciliation processes for an entire invoice, without the capabilities of controlling which items of an invoice are directed to selected approvers. Accordingly, Applicants request that the rejection of claim 15 under 35 U.S.C. § 103(a) be withdrawn and the claim allowed.

Claim 16 includes similar recitations as claim 15. For example, claim 16 recites, among other things, “accessing the invoice information that includes information on only items included in the invoice that are authorized for review and generating an indication reflecting a decision on whether to approve each authorized item.” Because Anderson et al. and Guzelsu do not teach the recitations of claim 16, Applicants request that the rejection of this claim under 35 U.S.C. § 103(a) be withdrawn and the claim allowed.

Claims 17-19 depend from claim 16. As explained, claim 16 is distinguishable from Anderson et al. and Guzelsu. Accordingly, claims 17-19 are also distinguishable from these references for at least the same reasons set forth for claim 16 and

Applicants request that the rejection of these claims under 35 U.S.C. § 103(a) be withdrawn and the claims allowed.

Also, Anderson et al. and Guzelsu, alone or in combination, fail to teach or suggest, and the Examiner does not address, the recitations of claim 20, including, among other things,

receiving profile information associated with a user,

receiving an indication reflecting the assignment of the user's approver status based on the profile information,

assigning an entity identifier to the user based on the approver status, wherein the identifier indicates an entity within the providing entity that purchases items from the purchasing entity, and

assigning the user as an approver with the authority to approve the purchases reflected in entries included in an invoice provided by the providing entity.

The references do not disclose or suggest processes that are associated with assigning identity identifiers and approver status for approvers of purchases reflected in entries of an invoice. And, the Examiner does not address these recitations. Accordingly, Applicants request that the rejection of this claim under 35 U.S.C. § 103(a) be withdrawn and the claim allowed.

Moreover, Anderson et al. and Guzelsu, alone or in combination, fail to teach or suggest, among other things, receiving line item information associated with selected line items of one or more line items included in the invoice, performing a dispute/approval process on the line item information and generating an indication of the results of the dispute/approval process, as recited in claim 21. Indeed, the Examiner never addresses these recitations in the Office Action. Because Anderson et al. and Guzelsu

do not teach the recitations of claim 1, Applicants request that the rejection of this claim under 35 U.S.C. § 103(a) be withdrawn and the claim allowed.

Claims 22-25 depend from claim 21. As explained, claim 21 is distinguishable from Anderson et al. and Guzelsu. Accordingly, claims 22-25 are also distinguishable from these references for at least the same reasons set forth for claim 21 and Applicants request that the rejection of these claims under 35 U.S.C. § 103(a) be withdrawn and the claims allowed.

Further, Anderson et al. and Guzelsu, alone or in combination, do not teach, and the Examiner does not address, the recitations of claim 26, 31, and 32. As explained, neither of the references disclose the ability to determine approvers for corresponding line items in an invoice, much less permitting access to a portion of data in an invoice by a authorized individual based on the individual's profile data, as recited in these claims. Accordingly, Applicants request that the rejection of the claim under 35 U.S.C. § 103(a) be withdrawn and the claim allowed.

Claims 27-30 and 33-36 depend from claims 26 and 32, respectively. As explained, claims 26 and 33 are distinguishable from Anderson et al. and Guzelsu. Accordingly, claims 27-30 and 33-36 are also distinguishable from these references for at least the same reasons set forth for claims 26 and 33, and Applicants request that the rejection of these claims under 35 U.S.C. § 103(a) be withdrawn and the claims allowed.

Claims 37 and 62, 41 and 66, 42 and 67, 46, 51 and 71, 52 and 76, 56 and 77 and 81, 57 and 82 include recitations similar to those of claims 1, 5, 6, 10, 15, 16, 20, and 21, respectively. As explained, claims 1, 5, 6, 10, 15, 16, 20, and 21 are

distinguishable from Anderson et al. and Guzelsu. Accordingly, claims 37 and 62, 41 and 66, 42 and 67, 46, 51 and 71, 52 and 76, 56 and 77 and 81, 57 and 82 are also distinguishable from these references for at least the same reasons set forth for claims 1, 5, 6, 10, 15, 16, 20, and 21, and Applicants request that the rejection of these claims under 35 U.S.C. § 103(a) be withdrawn and the claims allowed.

Claims 38-40 and 63-65, 43-45 and 68-70, 47-50 and 72-75, 53-55 and 78-80, 58-61 and 83-86 depend from claims 37 and 62, 42 and 67, 46 and 71, 52 and 77, 57 and 82, respectively. As explained, claims 37 and 62, 42 and 67, 46 and 71, 52 and 77, 57 and 82 are distinguishable from Anderson et al. and Guzelsu. Accordingly, claims 38-40 and 63-65, 43-45 and 68-70, 47-50 and 72-75, 53-55 and 78-80, 58-61 and 83-86 are also distinguishable from these references for at least the same reasons set forth for their respective base claims, and Applicants request that the rejection of these dependent claims under 35 U.S.C. § 103(a) be withdrawn and the claims allowed.

b. There is no motivation to combine Anderson et al. and Guzelsu to suggest the recitations of claim 1-86.

In addition to the reasons set forth in subsection (a) of this response, Applicants submit there is no motivation to combine Anderson et al. and Guzelsu to render claims 1-86 obvious and unpatentable. The Examiner asserts that one skilled in the art would be motivated to implement invoices with a plurality of entries with Anderson et al. for “administrative convenience.” *See Office Action, page 4, ¶ 1.*

Determinations of *prima facie* obviousness must be supported by a finding of “substantial evidence.” *See In re Zurko*, 258 F.3d 1379, 1386 (Fed. Cir. 2001).

Specifically, unless “substantial evidence” found in the record supports the factual determinations central to the issue of patentability, including motivation, the rejection is improper and should be withdrawn.

In this case, there is no “substantial evidence” in the record to support the attempted combination of Anderson et al. and Guzelsu, and the requisite “clear and particular” motivation required to support a *prima facie* case of obviousness is lacking. The Examiner has not established, by substantial evidence, that a skilled artisan having the art before him would have been motivated to combine the teachings of Guzelsu with Anderson et al. in a manner resulting *in Applicant’s claimed invention*. In fact, the asserted reasons for combining the references are not associated with the recitations of claims 1-86. The Examiner fails to provide any explanation or reasoning to show how combining the references would yield “administrative convenience.” Although the use of multiple entries in an invoice may be convenient for invoice processing, as explained above, the Examiner does not address all of the recitations of claim 1-86 or provides motivational support for processing invoice entries in a manner consistent with the recitations of these claims. Applicants submit that a skilled artisan would not have been motivated to combine Anderson et al., which is directed to invoice processing with Guzelsu, which describes reconciliation processes for already approved invoices to achieve the recitations of claims 1-86.

Because the Examiner provides no objective reason why, other than to attempt to meet the terms of the claims, a skilled artisan would have been motivated to combine the references, a *prima facie* case of obviousness has not been established.

Accordingly, Applicants request that the rejection of claims 1-86 under 35 U.S.C. § 103(a) be withdrawn and the claims allowed.

III. Conclusion

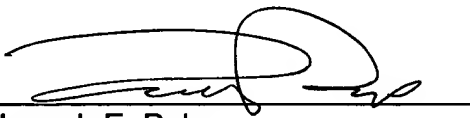
In view of the foregoing amendments and remarks, Applicants respectfully request the reconsideration and reexamination of this application and the timely allowance of claims 1-86.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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